

REMARKS

***Allowable Subject Matter and Status of the Claims***

The Examiner indicates that claims 28 and 57-62 are allowable.

Applicant has amended the application to cancel all claims other than 28 and 57-62. Now new matter is introduced by this amendment.

After amending the claims as set forth above, claims 28 and 57-62 are now pending in this application. Applicant hereby requests withdrawal of all outstanding grounds for rejection and requests allowance of the instant claims.

***Outstanding Prior Art Rejections***

35 U.S.C. 102(e)

The Examiner had rejected claims 30, 35, 39-42 under 35 U.S.C. 102(e) as being anticipated by Stone (U.S. Patent No: 5,007,934).

Solely to advance prosecution without hindering Applicant's rights to capture canceled subject matter in a subsequent divisional or continuing application, Applicant has canceled claims 30, 35, 39-42, thereby obviating the rejection. As the cited patent is the work of Applicant, the Applicant reserves the right to file a 132 Declaration to overcome this reference, in connection with pursuing the canceled claims in related applications.

35 U.S.C. 103(a)

The Examiner has rejected claims 15 and 56 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No: 5,007,934 in view of U.S. Patent No: 4,880,429.

The Examiner has also rejected claim 33 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No: 5,007,934 in view of U.S. Patent No: 5,263,984.

The Examiner has additionally rejected claim 47 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No: 5,007,934 in view of U.S. Patent No: 5,944,755.

Solely to advance prosecution without hindering Applicant's rights to capture canceled subject matter in a subsequent divisional or continuing application, Applicant has canceled claims 15, 33, 47 and 56, thereby obviating these rejections. As the cited patents are the work of

Applicant, the Applicant reserves the right to present arguments to show why the canceled claims are not rendered obvious by these references, in connection with pursuing the canceled claims in related applications.

***Conclusion***

Applicant believes that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

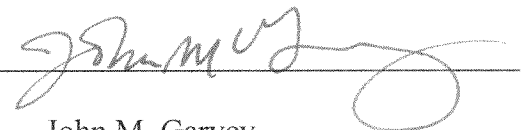
The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fee to Deposit Account No. 19-0741.

Respectfully submitted,

Date April 21, 2009

FOLEY & LARDNER LLP  
Customer Number: 48329  
Telephone: (617) 342-4085  
Facsimile: (617) 342-4001

By



John M. Garvey  
Attorney for Applicant  
Registration No. 37,833